

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DORRELIEN FELIX and MARGALY FELIX,
individually, and JONATHAN C. MOORE, as
Administrator of the ESTATE OF DAVID FELIX,

Plaintiffs,

-against-

THE CITY OF NEW YORK, a municipal entity;
HAROLD CARTER and VICENTE MATIAS, individually
and in their official capacities as New York City Police
Detectives; the BRIDGE INC., a domestic not-for-profit
organization; and JANE DOE (as of yet unidentified
employee of the BRIDGE),

Defendants.

**DECLARATION OF BRIAN
FRANCOLLA IN SUPPORT
OF DEFENDANTS' MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

16 Civ. 5845 (AJN)

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BRIAN FRANCOLLA, an attorney duly admitted to practice in the Courts of
New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the
following statements are true:

1. I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City
of New York, attorney for defendants City of New York, Harold Carter and Vincent
Matias. As such, I am familiar with the facts and circumstances stated herein and submit
this declaration in support of defendants' motion for summary judgment pursuant to FED.
R. CIV. P. 56.
2. As part of discovery, defendants, through defense counsel including the undersigned,
produced to plaintiffs approximately 8,273 pages of NYPD training materials related to
EDPs.

3. Annexed hereto as Exhibit “A” is a true and accurate copy of excerpts from the Deposition of Tianna Penn, taken on August 28, 2018.
4. Annexed hereto as Exhibit “B” is a true and accurate copy of excerpts from the Deposition of Harold Carter, taken on May 23, 2018.
5. Annexed hereto as Exhibit “C” is a true and accurate copy of excerpts from the Deposition of James Fulton, taken on October 23, 2019.
6. Annexed hereto as Exhibit “D” is a true and accurate copy of excerpts from the Deposition of Vincente Matias, taken on September 25, 2018.
7. Annexed hereto as Exhibit “E” is a true and accurate copy of a July 20, 2018 Memorandum and Decision from the Honorable Denny Chin, United States Circuit Judge, in the matter of Collado v. City of New York, et al., 11 CV 9041 (DC).
8. Annexed hereto as Exhibit “F” is a true and accurate copy of excerpts from the Deposition of Danielle Steeley, taken on April 23, 2018.

Dated: May 11, 2020
New York, New York

JAMES E. JOHNSON
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of the City of New York
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By: /s/
Brian Francolla
Senior Counsel
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To: Beldock Levine & Hoffman LLP (By ECF)
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